IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Laxmi Narain
Vs.
Govind and ors.

S.B. CIVIL WRIT PETITION NO.7810/2006.

Date of Order:- 14/5/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri J.K. Singhi for the petitioner.

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Heard learned counsel for the petitioner.

Challenge has been made to the order dated 2/8/2006 whereby the learned trial court while reversing the order dated 26/7/2006 has directed the parties to maintain status-quo in regard to the disputed property. Plaintiff-respondent No.1 filed a civil suit for injunction on the premise that the defendant-petitioner was raising construction on the 3 feet wide street adjoining his

house which was being used for last more than 100 years illegally for the purpose of flow of the drain water. The trial court rejected the temporary injunction application. The learned first appellate court reversed that order directing the parties to maintain status-quo.

Learned counsel for the petitioner argued that the appellate court did not give any reason to why it decided to reverse the order passed by the trial court inasmuch as, the plaintiff has not mentioned the property on which defendant was seeking to raise construction.

Having heard learned counsel for the petitioner and perused the impugned order, I find that plaintiff was claiming easementary right with respect to 3 feet wide street and the court on perusal of the report of the Commissioner and finding variance between the map and the site plan submitted by the defendant, in the facts of the case, thought it proper to direct

the parties to maintain status-quo. I do not find the issue as to the title as also the legality of the construction which the defendants are seeking to raise cannot be decided at this stage. In my view, the learned appellate court has not committed any illegality in passing the impugned order.

The writ petition being devoid of merit and substance is dismissed in limine.

(MOHAMMAD RAFIQ), J.

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